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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/590,284

06/09/2000

David M. Goldenberg

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04/15/2002

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EXAMINER

ROARK, JESSICA H

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 04/15/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.



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**Commissioner of Patents and Trademarks**

The reply filed on 1/18/02 is not fully responsive to the prior Office Action because of the following omission (See 37 CFR 1.111):

The Species Election (Paper No. 7) set forth a requirement that allowed Applicant to define the initial species of autoimmune disorder and therapeutic composition to be examined from among the numerous permutations recited in the claims. However, the election of species of record do not appear to fully define the ultimate species elected. While it is clear that Applicant has elected the claims to be initially examined with respect to the prior art as limited to a method of treating the autoimmune disease systemic lupus erythematosus, the ultimate species of the therapeutic composition administered in the method remains unclear.

In view of the complex nature of the instant claims, Applicant is required to clearly set forth all components of the therapeutic composition elected as the ultimate species of therapeutic composition administered in the instant method. In particular, there should be a clear indication of the following:

- number of antibodies to a B cell antigen administered;
- specificity of the antibody, antibodies, or hybrid antibodies to the B cell antigen, including the epitope(s) if one or more antibody to CD22 is administered;
- whether each antibody administered is unconjugated (naked) or conjugated, including the identity of the conjugate if a conjugated antibody is administered;
- whether the therapeutic composition also comprises a bispecific fusion protein and the targets of the bispecific fusion protein; and
- whether the therapeutic composition further comprises a secondary therapeutic, and if so, what that secondary therapeutic is.

For example, Applicant may elect a therapeutic composition comprising a combination of a naked antibody to CD22 epitope B, a second antibody to CD22 epitope B that is conjugated to a toxin, and a secondary therapeutic directed against T cells, wherein the secondary therapeutic is methotrexate.

*Applicant must also indicate the claims which read on the elected species, and is invited to add a new claim which recites the ultimately elected species.*

Since an examination on the merits has not yet taken place, Applicant will not be bound by the replies filed 10/12/01 or 1/18/02, and may elect any ultimate species of therapeutic composition. A request to change the elected autoimmune disorder would also be honored.

Applicant is invited to contact the Examiner to discuss the species requirement at 703 605-1209.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Roark, whose telephone number is (703) 605-1209. The examiner can normally be reached Monday to Friday from 8:00 to 4:30. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached at (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

Jessica Roark, Ph.D.  
Patent Examiner  
Technology Center 1600  
April 15, 2002

*Phillip Gambel*  
**PHILLIP GAMBEL, PH.D**  
**PRIMARY EXAMINER**  
*TC 1600*  
*4/15/02*